



**MINUTES  
STATE BOARD OF NURSING  
FULL BOARD MEETING  
WEDNESDAY, AUGUST 26, 2009**

**MEMBERS PRESENT:** DEBORAH ARCHULETA, RN; CANDACE BERARDINELLI, PHD, RN, VICE PRESIDENT; PEGGY BUNKE, RN, NP; LISA DAVIS, RN; VICKI ERICKSON, RN, NP; TONI GIBBONS, LPN; CAROLYN JEFFERSON-JENKINS, PHD; CURTIS POWELLS, RN; BETTY WOLFE, LPN; AND BARTLETT WRITER

**PRESIDING:** SANDRA SUMMERS, RN, PRESIDENT

**COUNSEL:** Y. E. SCOTT, SENIOR ASSISTANT ATTORNEY GENERAL

**STAFF:** MARK MERRILL, PROGRAM DIRECTOR; MEGAN GRIFFITH, PROGRAM ASSISTANT

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**1. CONVENE AND ROLL CALL (9:02 AM)**

Sandra Summers, RN, President, called the meeting to order and conducted a roll call of the Board members present. The Board members present introduced themselves to the audience.

**2. APPROVAL OF MINUTES (9:04 AM)**

After discussion, a Motion was made, seconded and carried to approve the minutes of the April 22, 2009 Full Board meeting.

**3. PROGRAM DIRECTOR'S REPORT (9:08 A.M)**

Mark Merrill, Program Director, gave a report to the Board regarding the following information and updates:

Director Merrill, noted recent reports regarding the difficulties facing the California State Board of Nursing surrounding the resignation of the Executive Director and several Board members as a result of the California State Board of Nursing's untimely processing of complaints. Director Merrill assured the Board that the measures in place for the Colorado State Board of Nursing would prevent this from happening in Colorado.

Director Merrill gave a verbal report on the status of the NPA Sunset Bill implementation and informed the Board of the need to initiate the rulemaking process in October for the Chapter I – Licensure rules to incorporate language changes from the Bill affecting continued competency requirements for applicants for original PN and RN licensure by endorsement. Director Merrill also informed the Board of the need to promulgate for new Board rules establish the guidelines and instances in which the Board can impose fines against licensees for violations for the Nurse Practice Act. Director Merrill also thanked the Board for their participation in the Emergency Rulemaking process for the Chapter XXI – APN Liability Insurance rules in July.

Director Merrill informed the Board of correspondence received from Jennifer Logan, nurse aide student, requesting the Board open the *Chapter X – Rules and Regulations for Certification as a Nurse Aide* to amend the requirements for the basis for certification to include work experience as a caregiver to qualify for certification. After discussion and due consideration of Ms. Logan's request, the Board concluded that opening the Chapter X rules for this purpose would not be in the best interest of consumer protection.

Director Merrill noted his recent return from Philadelphia, Pennsylvania where he and Sandra Summers, RN, President, attended the NCSBN Annual Meeting. Director Merrill informed the Board that he and Ms. Summers would give a report regarding the Annual Meeting at the October Full Board meeting.

After a discussion, the Board reviewed and approved Director Merrill's request for the Inquiry Panels to meet in December of 2009 to help lessen the packet size for the January meetings.

Director Merrill informed the Board of his efforts to convene a task force of subject matter experts to help review and revise the Medication Aide Authority program for Certified Nurse Aides in Colorado. Director Merrill informed the Board that the current Medication Aide Authority rules, Chapter XIX, would be required to be repealed in October. Lisa Davis, RN was appointed to the task force by President Summers as the Board member representative.

#### **4. RULEMAKING HEARING: CHAPTER XXI – RULES AND REGULATIONS REGARDING LIABILITY INSURANCE FOR ADVANCED PRACTICE NURSES ENGAGED IN INDEPENDENT PRACTICE (9:15 AM)**

At 9:15 AM the Board convened a public Rulemaking Hearing published pursuant to notice in order to hear testimony and consider the proposed permanent Chapter XXI rules.

Written testimony from the public was received and reviewed by the Board prior to the Rulemaking Hearing:

1. Letter from Carla M. LaRosa, Associate General Counsel, University of Colorado Hospital
2. Letter sent via e-mail from Linda L. Siderius on behalf of the Colorado Nurses Association, Fran Ricker, Executive Director
3. Letter sent via e-mail from W. Ben Vernon, MD, President, Colorado Medical Society

#### **ORAL TESTIMONY WAS GIVEN BY THE FOLLOWING PUBLIC MEMBERS:**

1. Linda L. Siderius, on behalf of the Colorado Nurses Association, Fran Ricker, Executive Director
2. Kari Hershey, on behalf of the Colorado Medical Society, W. Ben Vernon, MD, President

At 9:23 AM, all public testimony was concluded and the Hearing was closed. The Board entered into a work session in order to consider all testimony received and to discuss the proposed Chapter XXI rules.

At 9:50 AM, after discussion, a Motion was made, seconded and carried to adopt the Chapter XXI – Rules and Regulations Regarding Liability Insurance for Advanced Practice Nurses Engaged in

Independent Practice with the direction allowing Board staff to make typographical, grammatical, and formatting changes as needed.

**5. CONTINUATION OF WORK SESSION FROM THE APRIL 22, 2009 RULEMAKING HEARING REGARDING PROPOSED AMENDMENTS TO THE CHAPTER II – RULES AND REGULATIONS FOR APPROVAL OF NURSING EDUCATION PROGRAMS (9:51 AM)**

At the Board's regularly scheduled Full Board meeting held on April 22, 2009 a Rulemaking Hearing was held to consider proposed amendments to the Chapter II – Rules and Regulations for Approval of Nursing Education Programs. The Board reviewed written testimony and heard oral testimony from public stakeholders during the Rulemaking Hearing. Upon the conclusion of the testimony portion of the Hearing, the Board entered into a work session to consider proposed amendments and the testimony received. The Board tabled their decision to adopt the proposed amendments until further information could be presented.

The Board reviewed a Memorandum from Director Merrill and heard a verbal report regarding the further proposed amendments to the Chapter II rules. Copies of the additional amendments were made available for the public.

At 10:28 AM the Board took a ten minute recess. At 10:43 a Motion was made, seconded and carried to re-enter the work session for the Chapter II rules.

At 10:48 AM, after discussion, a Motion was made, seconded and carried to adopt the Chapter II – Rules and Regulations for Approval of Nursing Education Programs with the direction allowing Board staff to make typographical, grammatical, and formatting changes as needed.

**6. POLICY CHANGES (10:48 AM)**

The Board reviewed a Memorandum from Program Director Merrill outlining the proposed changes to the following Board policies.

1. Proposed Policy 20-24: *Process for Handling Complaints Involving State Board of Nursing*. After discussion, a Motion was made, seconded and carried to adopt policy 10-04 as amended.
2. Proposed Policy 30-09: *Telenursing*. After discussion, a Motion was made, seconded and carried to adopt policy 30-09 as written.
3. Proposed Policy 60-07 *Ratio to Faculty to Student in Professional and Practical Nursing Education Programs*. After discussion, a Motion was made, seconded and carried to adopt policy 60-07 as amended.
4. Proposed Policy 60-08 *Clinical simulation laboratory experience evaluation and faculty competency in the clinical simulation experience*. After discussion, a Motion was made, seconded and carried to adopt policy 60-08 as written.

**7. GUIDELINES FOR FINING AUTHORITY (10:57 AM)**

The Board reviewed a Memorandum and heard an oral report from Director Merrill regarding proposed guidelines for the Board future proposed rules relating to the fining authority granted to the Board by SB09-239. The Board noted Director Merrill's Memorandum and after a discussion, a Motion was made, seconded and carried to open the rulemaking process to draft proposed rules for fining authority with the Rulemaking Hearing to take place during the October Full Board meeting.

**8. APPLICATION FOR THE NURSE AIDE ADVISORY COMMITTEE (11:05 AM)**

The Board reviewed an application from Nancy Joe Shaw for the Nurse Aide Advisory Committee as the public member representative for her first term.

After discussion, a Motion was made, seconded and carried to appoint Ms. Shaw to the Nurse Aide Advisory Committee as a public member representative. Her first term is effective from August 26, 2009 to August 31, 2013.

**9. COMMUNICATION FROM THE COLORADO ASSOCIATION OF SCHOOL NURSES (11:07 AM)**

The Board reviewed a letter with attachments from Linda Ousteky, RN, BSN, MS, President, Colorado Association of School Nurses and a Memorandum and draft response from Director Merrill. The Board noted the letter and approved Director Merrill's draft response.

**10. QUARTERLY REPORTS (11:08 AM)**

The Board reviewed and noted the following:

1. Memorandum from Rita Postolowski, Licensing and Contracts Manager, with attachments including the NAAC Quarterly Report for April through June 2009.
2. Memorandum from Rita Postolowski, Licensing and Contracts Manager, with attachments including the Panel Quarterly Report for April through June 2009.
3. Memorandum from Terrie Miller, Enforcement Manager, with attachments including the Enforcement Unit Quarterly Report for April through June 2009.
4. Quarterly Case Statistics Quarterly Report – April through June 2009, Y. E. Scott, Senior Assistant Attorney General.

**11. BOARD OF NURSING AND BOARD OF MEDICAL EXAMINERS WORK GROUP UPDATE (11:08 AM)**

Susan Miller, Director, Healthcare Section, gave an oral presentation to the Board regarding the progress of the Board of Nursing/Board of Medical Examiners work group tasked with forming recommendations for rulemaking for Advanced Practice Nurses with Prescriptive Authority.

**10. OPEN FORUM (11:14 AM)**

Testimony was given to the Board by the following:

1. Susan Scheuring, RN, Arapahoe Community College, addressed the Board regarding Arapahoe Community College's application for Continuing Full Approval for the ADN program.
2. Rebecca Lynch, RN, Director of Nursing, Denver School of Nursing addressed the Board regarding Denver School of Nursing's accreditation candidacy status and their pending application for Phase IV Approval.
3. Denise Root, RN, Director of Nursing, Otero Junior College and Colorado Community College Directors Nursing Council, thanked the Board for their response and consideration of comments made as part of the Chapter II rulemaking process.
4. Gloria Ohmart, RN, Dean and Director of Nursing Education, CollegeAmerica addressed the Board regarding the status of pending items in relation to CollegeAmerica's Phase II application for ADN program.
5. Jennifer Logan, nurse aide student, addressed the Board and thanked them for their earlier consideration of her request to open the Chapter X rules to amend the requirements for nurse aide certification.
6. Julie Basler, Vice President of Academic Affairs, Platt College addressed the Board regarding the pulling of their application for Phase IV Approval of their BSN program.
7. Roxanne Shaw, RN, from Parker Adventist Hospital addressed the Board regarding Parker Adventist Hospital's agreement with Colorado Christian University for clinical placements and requested the Board grant Colorado Christian University Phase II approval.
8. Richard Crombie, Vice President Adult Studies, Colorado Christian University addressed the pending items, deficiencies, and previously stated concerns from the Board regarding Colorado Christian University's request for Phase II approval.

**11. QUARTERLY STATISTIC REPORTING – OFFICE OF EXPEDITED SETTLEMENT (11:36 AM)**

The Board heard a verbal report regarding future reporting for Expedited Settlement cases from Kennetha Julien, Director, Office of Expedited Settlement.

**12. LUNCH (11:40 AM)**

The Board recessed the meeting and reconvened at 1:00 PM.

**13. NURSING PEER HEALTH ASSISTANCE/NURSE ALTERNATIVE TO DISCIPLINE TO DISCIPLINE PROGRAM QUARTERLY REPORTS AND UPDATE (PEER ASSISTANCE SERVICES, INC) (1:00 PM)**

Rebecca Heck, RN, MPH, Program Director, and Lee Ann Aden, Finance and Operations Director addressed the Board and summarizing the 4th quarter report ending June 30, 2009 and summary of program services. The Board reviewed and noted the report.

**14. NURSING EDUCATION REPORTS (1:22 PM)**

Phase I Applications

Mile High Medical Academy – LPN Program. The Board reviewed a Memorandum from Roberta Hills, Nursing Education Specialist with attachments. After discussion, a Motion was made, seconded and carried to deny Phase I recognition and if Mile High Medical Academy still wishes to pursue the application for the LPN nursing education program, that it submit a revised application not to exceed one year, that addresses the areas of non-compliance/concern previously identified by the Board.

Metropolitan State College of Denver – Traditional BSN Program. The Board reviewed a Memorandum from Roberta Hills, Nursing Education Specialist with attachments. After discussion, a Motion was made, seconded and carried to grant recognition of Phase I pending the College's ability to address: evidence of the Colorado State Legislature Joint Budget Committee's approval of construction of the Student Success Building, where the proposed temporary space and permanent space will be in the Phase II portion of the application, provide a revised impact study that addresses impact on current education programs using an alternative methodology to achieve a stronger response rate, and address how the College plans to meet the NLNAC faculty qualification requirements.

Phase II of the Approval Process

CollegeAmerica – ADN Program. The Board reviewed a Memorandum from Roberta Hills, Nursing Education Specialist with attachments. After discussion, a Motion was made, seconded and carried to deny Phase II and allow CollegeAmerica time to correct the non-compliant items not to exceed one year from April 2010.

Colorado Christian University – Traditional BSN Program. The Board reviewed a Memorandum from Roberta Hills, Nursing Education Specialist with attachments. After discussion, a Motion was made, and seconded to allow Colorado Christian University to admit 48 students annually regardless of geographic location, and recognizing that if they admit 48 students per cohort they will be required to schedule split rotations since the University has limited psychiatric placements in Northern Colorado, Southwestern Colorado, and Southern Colorado but does have 28 placements in the Denver metro area and 40 placements on the Western Slope. The Board also recognized Colorado Christian Universities 20 pediatric placements in the Denver metro area, 15 pediatric placements in Northern Colorado, and 12 in Western Colorado. After continued discussion, the motion failed, with a 6 opposed, 5 in favor vote.

After further discussion, a Motion was made, seconded and carried, with two abstentions from Candace Berardinelli, PhD, RN, Vice President, and Toni Gibbons, LPN, to allow Colorado Christian University to plan for admitting 12 students on the Western Slope and 20 student in the Denver metro area annually and requested the University resubmit the Phase II application to demonstrate the change in cohort size. The Board further directed that the University may submit a request for increased enrollment once adequate psychiatric and pediatric clinical placements are available in Northern Colorado and Southwestern Colorado.

Phase III of the Approval Process

Colorado Technical University Site Visit Report – ADN Program. The Board reviewed a Memorandum from Roberta Hills, Nursing Education Specialist with attachments. After discussion, a Motion was made, seconded and carried to approve the site visit report and Colorado Technical University's response allowing the University the time frame in which they submit the Phase IV

application to completely address all of the continued items of non-compliance. Phase IV of the application will be due within one year of the date of the graduation of the first class of students.

Academy of Medical & Health Sciences – LPN Program. The Board reviewed a Memorandum from Roberta Hills, Nursing Education Specialist with attachments. After discussion, a Motion was made, seconded and carried to accept the Phase III semi-annual report with a notation to the Academy that if they choose to admit more than 24 students a year they must submit a report substantiating the availability of adequate clinical experiences to meet the increased enrollment. The Board may consider factors including but not limited to: number of qualified faculty, adequate education facilities and resources and the availability of relevant clinical experiences.

#### Phase IV of the Approval Process

Denver School of Nursing – BSN Program. The Board reviewed a Memorandum from Roberta Hills, Nursing Education Specialist with attachments. After discussion, a Motion was made, seconded and carried to grant Denver School of Nursing BSN nursing education program Full Approval.

Concorde Career College – ADN Program. The Board reviewed a Memorandum from Roberta Hills, Nursing Education Specialist with attachments. After discussion, a Motion was made, seconded and carried to continue to allow Concorde Career College until December 31, 2009 to address the remaining non-compliant items.

Platt College – Traditional BSN Program. The application and supporting documentation were pulled from the agenda to be reviewed at the October Full Board meeting.

#### Continuing Full Approval

Arapahoe Community College – ADN Program. The Board reviewed a Memorandum from Roberta Hills, Nursing Education Specialist with attachments. After discussion, a Motion was made, seconded and carried to table the decision regarding Continuing Full Approval and wait for Arapahoe Community College to gain accreditation candidacy status. The Board further instructed that once candidacy status is achieved, to allow Arapahoe Community College to move forward with full accreditation self-study and site visit simultaneously validating the progress with the Board by submitting reports sent to the accreditation commission. If Arapahoe Community College does not gain Full Approval, the Board will decide how to proceed at that time.

Pickens Technical College – LPN Program. The Board reviewed a Memorandum from Roberta Hills, Nursing Education Specialist with attachments. After discussion, a Motion was made, seconded and carried to grant Continuing Full Approval pending the College sufficiently address the following items: evidence of DNEP participation in the faculty evaluation process, and participation in College decision making committees representing the nursing program as evidenced in the committee meetings' minutes; revision of syllabi with missing content outlines: NUR 103, NUR 104, NUR 111, NUR 115, and NUR 178 IV; expansion of the Systematic Evaluation Plan, Standard 1 Criteria 4 to include the nursing program policies. These items are due by January 2010.

#### NCLEX Pass Rates

Pickens Technical College – LPN Program. The Board reviewed a Memorandum from Roberta Hills, Nursing Education Specialist with attachments. After discussion, a Motion was made, seconded and carried to accept Pickens Technical College Action Plan to address the below-standard NCLEX-PN pass rate and to re-examine pass rates in August 2010. The Board directed staff to send a letter to the

College requesting they demonstrate how the College's administration will support the nursing faculty in their Action Plan.

#### Waiver Requests

Concorde Career College – ADN Program, DNEP Martie Stangoni. The Board reviewed a Memorandum from Roberta Hills, Nursing Education Specialist with attachments. After discussion, a Motion was made, seconded and carried, with one opposing vote from Carolyn Jefferson-Jenkins, PhD, to grant the request for waiver of the required two years of teaching experience for Ms. Stangoni.

#### Other – Request for LPN IV Authority Training Program Approval

Evans Army Community Hospital. The Board reviewed a Memorandum from Roberta Hills, Nursing Education Specialist with attachments. After discussion, a Motion was made, seconded and carried to grant Evans Army Community Hospital the authority to conduct IV Therapy training programs for their LPN employees pending inclusion of a policy for IV challenge to include central line, dressing change, and blood draw.

#### Educational Notes

The Board reviewed and noted the following:

NCLEX pass rate progress from programs with an action plan in place:

- Lamar Community College – ADN Program
- Community College of Denver – ADN Program

Trends in the number of graduates from Colorado nursing education programs compiled from annual report graduation data dated 2000 to 2007.

### **15. NURSE AIDE TRAINING PROGRAMS REPORTS (3:46 PM)**

The following decisions made by Shannon St. Hilaire, Nurse Aide Program Compliance Investigator, were ratified by the Board:

#### **I. Full Approval**

- 6/05/09 – Stillwater Executive Institute – East Denver
- 6/05/09 – Valley View Health Care Center
- 6/09/09 – Larchwood Inns
- 6/16/09 – Fairacres Manor
- 6/16/09 – Family Health West
- 6/17/09 – Pueblo Community College
- 6/17/09 – Pueblo Community College – Health Academy
- 6/17/09 – Pueblo Community College – Fremont Campus
- 6/18/09 – Haxtun High School Med Prep
- 7/07/09 – Life Care Center of Longmont
- 7/18/09 – New Beginning Nurse Assistant Training Program
- 7/21/09 – TSOC Nurse Aide Training Program
- 7/21/09 – Haxtun Hospital District



**II. Suspended Admission**

- 5/21/09 – Heritage Park Care Center

**III. Suspended Admission Lifted – Return to Compliance**

- 7/23/09 – Heritage Park Care Center

**IV. Denied Initial Applications**

- 5/12/09 – Colorado Nurse's Assistant Education Center
- 5/27/09 – Mile High Medical Academy
- 6/23/09 – Accent Learning Systems
- 7/01/09 – Education and Life Training Center
- 7/09/09 – Trinidad State Nursing Home
- 7/24/09 – Beo Enterprises

**16. OFFICE OF THE ATTORNEY GENERAL – PROPOSED STIPULATION AMENDMENTS**

On August 26, 2009 at 3:16 PM, the Board voted to enter into Executive Session in order to discuss with counsel pending or imminent court action involving the Board as a party or information or legal issues that are subject to the attorney-client privilege; pursuant to §§24-6-402(3)(a)(II) and (III), and 13-90-107(1)(b), C.R.S. After discussion, at 3:45 PM, the Board left Executive Session and returned open session to take action.

Lisa Davis, RN, left the meeting at 3:48 PM.

After discussion, a Motion was made, seconded and carried to approve the proposed amendments to the stipulation templates as additionally amended.

There being no further business, the State Board of Nursing adjourned the meeting at 3:53 PM.

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Sandra Summers, RN, President  
State Board of Nursing